

**UNITED STATES OF AMERICA  
THE NATIONAL LABOR RELATIONS BOARD**

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INTERNATIONAL UNION OF OPERATING ENGINEERS,  
LOCAL 18

*Charged Party; and*

NERONE & SONS, INC.  
R.G. SMITH COMPANY, INC.

Case No. 08-CD-135243  
Case No. 08-CD-143412

*Charging Parties; and*

LABORERS' INTERNATIONAL UNION OF  
NORTH AMERICA, LOCAL 310

*Party-in-Interest*

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LABORERS' INTERNATIONAL UNION OF  
NORTH AMERICA, LOCAL 310

*Charged Party; and*

NERONE & SONS, INC.  
R.G. SMITH COMPANY, INC.

Case No. 08-CD-135244  
Case No. 08-CD-143415

*Charging Parties; and*

INTERNATIONAL UNION OF OPERATING ENGINEERS,  
LOCAL 18

*Party-in-Interest*

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**INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 18'S  
MOTION FOR EXTENSION OF TIME TO FILE POST-HEARING BRIEFS**

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Now comes the International Union of Operating Engineers, Local 18, by and through counsel, and pursuant to Section 102.90 of the Board's Rules and Regulations, hereby moves for an extension of time for the parties to submit their Post-Hearing Briefs, such that they are due on April 24, 2015. A Brief in Support of this Motion is attached hereto and incorporated herein by reference.

Respectfully Submitted,

/s/ Timothy R. Fadel

TIMOTHY R. FADEL, ESQ. (0077531)

WULIGER, FADEL & BEYER, LLC

1340 Sumner Court

Cleveland, Ohio 44115

(216) 781-7777

tfadel@wfblaw.com

*Counsel for the International Union of  
Operating Engineers, Local 18*

## **BRIEF IN SUPPORT**

On March 26, 2015 and March 27, 2015, a hearing was held under the auspices of Section 10(k) of the National Labor Relations Act in Cleveland, Ohio, pursuant to Region 8's investigation of unfair labor practice charges filed by Nerone & Sons, Inc. and R.G. Smith Company, Inc., in which it was alleged that both the Laborers' International Union of North America, Local 310 ("LIUNA 310") and the International Union of Operating Engineers, Local 18 ("Local 18" or "Union") had violated Section 8(b)(4)(D) of the Act by engaging in proscribed conduct in order to force the Employers to assign work to the unions' respective members.

Section 102.90 provides that Post-Hearing Briefs filed with the Board after a 10(k) hearing has concluded are due within seven days after the close of the hearing. That Section also provides that a request for an extension of time to file the same are permitted and are to be filed with the Board. Where the request for extension is made prior to the original deadline prescribed, *see Superior Protection Inc.*, 341 NLRB 614, 614 (2004), fn. 2, and the request is not made in bad faith or for the purposes of delay, *see Vintage Homes, Inc.*, 240 NLRB 609, 610 (1979), good cause to grant the extension will be found.

In the present matter, the 10(k) hearing concluded on March 27, 2015, thus rendering April 3, 2015 the default deadline by which Post-Hearing Briefs shall be filed. Local 18 respectfully requests a 21-day extension for the parties to file their Post-Hearing Briefs, such that they are due on April 24, 2015. This motion is being made in good faith and not for the purposes of delay, and in advance of the original prescribed deadline. Moreover, Charging Parties and LIUNA 310 have indicated that they unopposed to this 21-day extension.

Accordingly, for all the foregoing reasons, Local 18 respectfully moves for an extension of time for the parties to file their Post-Hearing Briefs, such that they are due on April 24, 2015.

Respectfully Submitted,

/s/ Timothy R. Fadel

TIMOTHY R. FADEL, ESQ. (0077531)

WULIGER, FADEL & BEYER, LLC

1340 Sumner Court

Cleveland, Ohio 44115

(216) 781-7777

tfadel@wfblaw.com

*Counsel for the International Union of  
Operating Engineers, Local 18*

## CERTIFICATE OF SERVICE

A copy of the foregoing was filed electronically with National Labor Relations Board,  
and served via email to the following on this 27th day of March 2015:

Basil W. Mangano  
Mangano Law Offices Co., LPA  
2245 Warrensville Center Road  
Suite 213  
Cleveland, Ohio 44118  
bmangano@bmanganolaw.com  
*Counsel for Laborers' International Union  
of North America, Local 310*

Meredith C. Shoop  
Littler Mendelson P.C.  
1100 Superior Ave. East  
20th Floor  
Cleveland, Ohio 44114  
mshoop@littler.com  
*Counsel for Nerone & Sons, Inc. and  
R.G. Smith Company, Inc.*

Allen Binstock (*via regular mail, postage pre-paid only*)  
Regional Director  
Region 8  
National Labor Relations Board  
1240 East 9th Street, Room 1695  
Cleveland, Ohio 44199

/s/ Timothy R. Fadel  
TIMOTHY R. FADEL, ESQ. (0077531)